EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
TIFFANY HSUEH,

Plaintiff,

Index No:
15 CV 03401

- against -

THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES a/k/a THE DEPARTMENT OF FINANCIAL SERVICES and ABRAHAM GUEVARA, Individually,

Defendants.

---X

120 Broadway
New York, New York
April 20, 2016
10:16 a.m.

EXAMINATION BEFORE TRIAL OF TIFFANY HSUEH, the Plaintiff, pursuant to Notice, taken at the above place, date and time, before MARIA ACOCELLA, a Notary Public within and for the State of New York.

Page 202

T. Hsueh
Q. Who did you want to talk about it with?
A. Not necessarily that I wanted to talk about it. If anyone had asked me, I would have probably would have responded. But before I could even get to that point she just said stay silent, be quiet.
Q. And your problem with that was in case someone happened to ask you if you had been sexually harassed, you wanted to be able to say yes?
A. No. If, you know, like, for example, when they collected the money, anyone had asked me about it, I would have liked -- I would have appreciated being able to tell people what Abe had done to me. And instead, I wasn't.
Q. So that was what you wanted to do, you wanted to be able to tell people your allegations against Mr. Guevara, when they were collecting money for his retirement?
A. They are not allegations. It was even found by Allison Clavery --
Q. Not at that time.

Page 203

T. Hsueh
A. -- to be true.
Q. You wanted to be able to tell these people what Mr. Guevara had done?
A. I wanted to able to tell people truthfully what he had done.
Q. Why did you want to be able to tell that to people?
A. As I said, there was nasty rumors and gossip going around, and it was a toxic, hostile -- it was toxic and hostile, and it was all this nasty speculation.
Q. Was there speculation because Mr. Guevara had been placed on leave, and then retired, and no one knew why?
MR. FRANK: Objection to form.
A. You are not just placed on retirement for nothing. And especially when he had not even announced his retirement. And if he had not told other people, like he had told me, he had not planned on retiring for a long time, then obviously only something beyond his control, could it be retirement.
Q. And you wanted to be able to tell

Page 204

T. Hsueh
people what that was?
A. I wanted to tell people what had -- what I had gone through.
Q. Didn't Ms. Clavery tell you that an investigation can be compromised if people are discussing it all the time?
A. I don't remember if she said that.
Q. Didn't she also explain that sexual harassment victims usually don't want their allegations to be public?
A. I don't remember if she said that either.
Q. Didn't she explain that making your allegations public could inhibit other people from coming forward?
A. That was a really stressful and traumatic time for me, and I don't exactly remember everything.
But I remember feeling like I was being under a gag order, and being told not to say anything, and having all this nasty speculation and not being able to defend myself.

Page 205

T. Hsueh
Q. Did she tell you that other victims could be inhibited from coming forward if sexual harassment allegations are not kept confidential?
MR. FRANK: Objection, asked and answered.
A. I don't remember if she told me that. I just know she was inhibiting me from speaking about my sexual harassment.
Q. Did you ever record these conversations with Ms. Clavery?
A. No, I don't believe so.
Q. You don't believe so, or do you know?
A. I don't think so.
Q. Is it possible that you recorded conversations with Ms. Clavery?
A. It is possible.
Q. Were you recording conversations that you had with Ms. Clavery?
A. I don't remember. And like I deleted and lost a bunch of stuff in my files. It has been two years. I only found my health insurance records yesterday.

T. Hsueh

Otherwise I would have given them to Josh before, so I might have recorded something.

Q. And deleted it?

A. Yes.

Q. When would you have deleted it?

A. Either the course of 2016 or 2015.

Q. Why were you recording conversations with Ms. Clavery?

A. Because she had not taken -- she had not taken -- I do not feel she was responding appropriately to my harassment complaints.

Q. How were you taping your conversations with her?

A. Because it would show what exactly she was saying her actions and -- but everything she was telling me. Like telling me again to stay silent and be quiet.

Q. Did you record those conversations for purposes of this lawsuit?

A. No.

Q. So then why did you record them?

A. To protect myself.

T. Hsueh

Q. From what?

A. Retaliation.

Q. Retaliation by who?

A. Allison herself, DFS.

Q. Then why did you delete them?

A. Because I didn't -- because like I said, it was over the course of two years. I have moved in the meantime, and I lost -- I have gotten a new computer. I haven't kept everything.

Q. You kept photos. You kept a spreadsheet.

You didn't keep tape recorded conversations with Ms. Clavery?

MR. FRANK: Objection to form.

A. As I said, the voice recording itself is was not very clear, so I did not feel it was worth keeping.

Q. Did you delete it because it wasn't helpful for your case?

A. No. Because I actually would have rather it been more clear. The only way to do that would have been to held the tape recorder right to her mouth.

T. Hsueh

Q. You were recording Ms. Clavery without her knowledge, right?

A. I did not tell her I was recording her.

Q. Were you setting up these meetings with Ms. Clavery so that you could record her?

A. No.

Q. You were setting them up and just happened to record her?

A. I believe one of the meetings, she reached out to me and asked me to meet with her. So it is not that it was all one sided and I was asking her for those meetings.

Q. But some of them, you asked for?

A. Yes. I asked her for some meetings. And she, in return, also contacted me to ask for meetings.

Q. And how many meetings with Ms. Clavery did you record?

A. From my recollection, there was only approximately two to three meetings. So I think I only recorded one meeting.

T. Hsueh

Q. And was that a meeting you had initiated or she had initiated?

A. She had initiated.

Q. How do you remember that? Which meeting was it?

A. I remember going to that meeting.

Q. Which meeting are we talking about now?

A. It was the very last one she had with me.

Q. And you said she initiated that one?

A. Yes.

Q. For what purpose?

A. She asked me, what would you like me to do.

Q. When was this meeting?

A. I believe it was sometime in either December or January.

Q. Of 2015?

A. Yes, 2015 or 2016.

Q. So she called the meeting to ask what you wanted her to do.

Can you explain what you mean by